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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,796	06/19/2001	Zine-Eddine Boutaghou	169.12-0496	4390

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KINNEY & LANGE, P.A.  
THE KINNEY & LANGE BUILDING  
312 SOUTH THIRD STREET  
MINNEAPOLIS, MN 55415-1002

EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/884,796

Applicant(s)

BOUTAGHOU ET AL.

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/5/03 & 9/9/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 3-8, 15-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

Claims 2-16 are now pending.

***Restriction/Election***

1. Applicant's response to the restriction requirement (filed 9/9/03) and subsequent election of Group I, i.e., claims 2-8, 15-16, with traverse is noted, however, in view of the amendments to non-elected claims 9-14, renders the restriction requirement moot and ~~is~~ has been withdrawn.

\*An action on the merits including all pending claims, i.e., 1-16, follows.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 2, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (US 5,276,573) in view of the AAPA, i.e., FIGs 2A-2B.

Harada et al discloses an air bearing slider, as primarily shown in FIGs. 2 & 3, including: a transducer 4 for communicating with a disc 7; a composite body with a front *portion* composed of a first material 3 and a rear *portion* composed of a second material 20/21 different from the first material; the slider body having an air bearing surface defined on the disc opposing face 10 of the slider body, where the air bearing surface comprises the front portion and the rear portion, i.e., 9, 20/21. Harada et al is silent, however, to a transducer basecoat portion attached to the rear portion of the slider body containing the

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transducer 4. The AAPA, however, discloses a typical transducer basecoat portion attached to the rear of the slider body. From this teaching, it would have been obvious to have provided a transducer basecoat portion as taught by the AAPA, onto the slider of Harada et al, to form the transducer 4. The motivation would have been: providing the aforementioned transducer basecoat portion onto the slider body would have protected the transducer properly and allowed for more precise forming of the transducer, as would have been realized by a skilled artisan.

Further, with respect to the method steps and forming a plurality of slider bodies from a composite wafer (claims 9, 11-12), Harada et al is considered to encompass these, at least through FIGs. 13-14 (see also col. 11, line 53 through col. 12, line 23). As to the lapping durability (claim 10), and the thickness of the materials (claims 13-14), the two different materials (3 & 20/21) set forth above would encompass these limitations as well.

#### ***Allowable Subject Matter***

3. Claims 3-8, 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Applicant's Amendment and Arguments***

4. Applicant's arguments with respect to claims 2, 9-14 have been considered but are moot in view of the new ground(s) of rejection.

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A...With respect to applicant's argument set forth in the amendment filed 8/5/03, the interpretation of the "air bearing surface" in Harada et al to include the recessed portions 20/21, is maintained. The Examiner considers the claim language still broad enough to encompass such interpretation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2652**

bem  
November 14, 2003